

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

October 24, 1968  
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Akin presiding.

Roll Call:

Present: Mayor Akin, Councilmen Janes, LaRue, Long, Nichols  
Absent: None

Present also: R. M. Tinstman, City Manager; Doren R. Eskew, City Attorney

Invocation was delivered by REVEREND THEODORE McELROY, Hyde Park Christian Church.

AMENDMENT TO THE SOUND TRUCK ORDINANCE

The City Manager reported the Ordinance as now written would prohibit the Health Department from using sound trucks to publicize immunization for diptheria during the morning hours. He explained the amendment would permit the use of sound trucks in the time of a natural disaster regardless of the time of the day.

Mayor Akin introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 21 OF THE AUSTIN CITY CODE OF 1954 TO PERMIT THE AMPLIFICATION OF SOUND AT ANY TIME BY OFFICERS AND EMPLOYEES OF THE CITY OF AUSTIN, THE STATE OF TEXAS, AND THE UNITED STATES OF AMERICA IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES IN PROTECTING THE PUBLIC PEACE, PUBLIC SAFETY, OR PUBLIC HEALTH; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Mayor Akin, Councilmen Janes, LaRue, Long, Nichols  
Noes: None

The ordinance was read the second time and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion,

seconded by Councilman LaRue, carried by the following vote:

Ayes: Mayor Akin, Councilmen Janes, LaRue, Long, Nichols  
Noes: None

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Mayor Akin, Councilmen Janes, LaRue, Long, Nichols  
Noes: None

The Mayor announced that the ordinance had been finally passed.

MAYOR AKIN recognized the assistance on the part of MR. LARRY TEMPLER, on the staff at the White House, in obtaining supplies of antitoxin. He commended the Travis County Medical Society for its help, in alleviating this problem. He expressed the gratitude of the City to Mr. Templer, and the governmental agencies for coming to the rescue of the City of Austin, and wanted to acknowledge and give credit for the assistance on the part of people in Washington D. C.

#### ANNEXATION ORDINANCE PASSED

Mayor Akin brought up the following ordinance for its third reading:  
(requested by engineer for owner)

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 20.61 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES P. WALLACE SURVEY NUMBER 57 AND THE WILLIS AVERY SURVEY IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

The ordinance was read the third time and Councilman Janes moved that the ordinance be finally passed. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin  
Noes: None

The Mayor announced that the ordinance had been finally passed.

#### REPORT FROM THE AUSTIN AMBULANCE CO.

Mayor Akin stated the Council had just received the report. The report is as follows:

"Hon. Harry Akin  
Mayor, City of Austin  
Municipal Building  
Austin, Texas 78701

"October 22, 1968

Dear Mayor Akin:

October 24, 1968

"In line with your letter, and our telephone conversation, I would like to advise that our accountant has informed us that a certified audit would cost in excess of \$2,000.00 and would take from six to eight weeks.

"Our contract does not require us to submit a certified statement, and because of our financial condition we do not feel that we should incur this additional expense. Of course our records are available to your auditor at any time.

"Attached hereto is our latest statement of our operation, and also information developed based on these operations during August, 1968. We assume August to be typical. It is current and it is the base of facts presented herein.

"To date we have lost a total of \$12,483.10, or an average of \$485.27 per month. August provided a loss of \$469.12, so it is almost typical of any other of the 24 months.

"We have also enclosed a copy of our most recent letter mailed to over 2,000 of our patients in an endeavor to give them a last chance to pay before taking the cases to court. We realize that some recipients were not pleased, but still we must be paid by our patients in order to continue to operate.

"The attached clipping states very accurately our position on our operating outside of the city limits of Austin.

"I will be unable to attend Council Meeting on Thursday, but I am sure all of the information you desire is attached hereto.

"Respectfully yours,

cc: Council Members

/s/ Conwell Smith"

"INFORMATION DEVELOPED OPERATIONS AUGUST 1968

790 recorded calls as follows:

- 431 Emergency
- 212 transfers
- 26 Death calls
- 12 Oxygen calls
- 24 Water hauls--no such address, or fictitious address
- 77 No pick-up--Answered call, no customer.
- 8 Other

"Ambulance income for August from attached statement \$8421.57  
\$8,421.57 divided by 790 equals \$10.66 revenue per call

"From 790 calls received following potential revenue:  
\$3,301.50 Cash  
\$12,483.10 Charges  
\$15,784.60 Potential Revenue for August

\$15,784.60 divided by 790 equal \$19.98 average potential revenue  
\$10.66 divided by 19.98 equal 53.35% Collection Factor

"28 employees not including administrative  
Payroll for 4 weeks of August \$8,517.70, which includes  
No Tax 4.4% FICA, no Workmens Comp Ins. or other  
ordinary payroll costs.

"Average income per call \$10.66 average employee pay per call \$10.78

"34 1/3% of all calls are either claims against an insurance company  
or Medicare or Medicaid.

"Processing insurance, medicare, & medicaid claims requires two  
employees and in no way assures reimbursement.  
Collections from these sources in fact represent 60-180  
days delay."

"BALANCE SHEET  
AMBULANCE SERVICE  
August 31, 1968

"CURRENT ASSETS:

Cash on Hand & in Bank	\$938.28	
Prepaid Interest	674.20	
Prepaid Insurance	342.36	
TOTAL CURRENT ASSETS		\$1,954.84

"FIXED ASSETS:

Automotive Equipment	\$20,772.68	
Res. for Dep.	8,124.82	12,647.86
Radio Equipment	5,899.93	
Res. for Dep.	1,424.08	4,475.85
Office Equipment	2,801.64	
Res. for Dep.	744.86	2,056.78
Oxygen Equipment	1,520.00	
Res. for Dep.	1,009.15	510.85
TOTAL FIXED ASSETS		19,691.34

"OTHER ASSETS:

Deposits		25.00
Organization Expense	636.59	
Amortization of Org. Exp.	254.64	381.95
Coventants	8,500.00	
Amortization of Covenants	3,375.00	5,125.00
Franchise		50.00
		5,581.95
		<u>\$27,228.13</u>

"Notes Payable	8,087.78	
Accounts Payable	1,367.56	
Income Tax Withheld	987.30	
FICA Tax Withheld	374.80	
Insurance Withheld	42.53	
TOTAL LIABILITIES		\$10,859.97

"COMMON STOCK	28,500.00	
DEFICIT 7-31-68	(11,662.72)	
Loss for August, 1968	<u>469.12</u>	
NET WORTH		<u>16,368.16</u>
TOTAL LIABILITIES & NET WORTH		<u>\$27,228.13</u>

"September 10, 1968"

"PROFIT & LOSS STATEMENT  
August 1968

"INCOME:

Oxygen	\$ 110.00
City	3,469.00
Funeral Homes	376.00
U.T.	157.50
Ambulance	8,421.57
Miscellaneous(Refund of forged check)	<u>86.36</u>
	\$12,620.43
Less returned checks	<u>20.00</u>

TOTAL NET INCOME FOR AUGUST

\$12,600.43

"EXPENSES:

Refund to Customer	19.50
Utilities	118.14
Travel	10.00
Telephone	122.49
Oxygen	149.39
Ambulance Supplies	156.84
General Repairs	48.25
Rent	300.00
Office Supplies	336.67
Legal & Accounting	300.00
Interest	56.33
Insurance, Workmens Comp	133.08
Auto Insurance	450.00
Auto Maintenance	426.76
Auto Operations	338.61
Advertising	15.45
Payroll Taxes	539.03
Salaries	<u>8,517.70</u>

\$12,038.24

"DEPRECIATION & AMORTIZATION

Covenants	\$125.00
Organization Expense	10.61
Office Equipment	45.87
Oxygen Equipment	42.22
Radio	98.33
Auto Equipment	<u>709.28</u>

1,031.31

LOSS FOR AUGUST

469.12

Councilman Long pointed out that the Ambulance Service was refusing to accept insurance policies, Medicare, and Blue Cross; and those who were waiting for the welfare agencies to pay, received letters that if they did not pay up in seven days, the Ambulance Company was going to take it to Court. She said the patients had given the Company the necessary materials for it to apply for the Medicare payment for ambulance service. One person who received a letter had a receipt indicating Medicaid had been paid. MR. CONWELL SMITH, regarding the question of their not accepting assignments from Medicaid, Medicare, and Blue Cross, and other companies, stated their experience in 25 months had revealed a very large number of private insurance companies do not include ambulance fees in their medical policies; Blue Cross, unless one belongs to a certain group, does not pay ambulance fees; and some pay only a small portion of the fee. The questions on the Medicare form are such they are not able to answer; nor get the information from Brackenridge Hospital. Mr. Smith discussed the complications regarding the forms to be filled out, the medical terminology, and said some of the necessary information is classified. Collection takes from 60 to 180 days to get claims back. People billed are sent three notices before the collection letter is mailed. Councilman Long stated these people felt they were covered by Medicare, and the doctors and hospital accepted Medicare. She said since the City was paying \$3500 a month, that could be used during the waiting period. Mr. Smith referred to the report showing only 53.3% of their accounts was being collected, including the City's payment. Councilman LaRue asked if this percentage were just a month or for the year. Mr. Smith stated this applied only to August, but the percentage is typical. Councilman Janes discussed the financial report. Mr. Smith stated the accounting system was set up by a public accountant, and explained the manner of their reporting. As to indigent patients, Mr. Smith stated some are transferred to out of town hospitals occasionally; for instance, one was taken to Galveston, one to Houston, one to Gonzalez Warm Springs Foundation, two to San Antonio, and others.

Councilman Janes asked Mr. Smith of his plans. Mr. Smith said the future intends for Austin Ambulance to fulfill and uphold the contract to which it agreed. They had no intention of asking for any more money throughout the life of the contract, which expires in April or May. If the Council saw fit to put this out to bid when the contract expires, they would be interested in bidding on it. They plan to stay in the ambulance business. Whether they stay in the 100% emergency cases throughout every place in metropolitan Austin remains to be seen, but they are going to stay in the business. They have five 1968 vehicles and one 1969. The units last about four to six months, which is about the average service one can expect. After that period of time the unit has about 50,000 miles on it, and they find that trading a unit a month keeps them in good equipment. Councilman Long stated she would like to see the company honor insurance claims and try to work with Medicare and the insurance company where they do pay. She suggested one of the better services would be working more closely with the hospitals and doctors to work on processing cases more rapidly. Mr. Smith explained one particular case, where they had been picking up football players at various high school games. Everyone was under the impression they were insured, and the money would come from the school. The Austin Independent School District does not even carry Workmen's Compensation; nor does it have insurance on their football players. He stated the present policy now is not filing claims through insurance companies. However, if the Council so directed, they would change their policy. Councilman LaRue stated in that case, if the Council were to direct him how to operate his business, then it would in turn have to take responsibility for the profit or loss, and this was a responsibility the Council should not carry. He stated the suggestion made that he look into this matter again would be well taken. Councilman Long read letters concerning the collection, (A patient under Title 19) stating charges were covered under

## Title 19.

Mr. Smith stated there was no complaint against their service, handling of patients, or equipment; but only on the billing procedures, rates, and collection policies. Councilman Long mentioned complaints of having to wait so long for service.

Councilman Janes asked if he had exhausted every means of pursuing the collections from Medicare. Mr. Smith answered he had talked to the Dallas Medicare Branch. Initially about a year ago, they paid \$18.40 on a \$20.00 bill. Now the payment in isolated cases is between \$2.20 and \$11.80, and there is no explanation. This is a payment on a \$25.00 charge. Mr. Smith said they continued trying to collect, and the recent letter brought in around \$3,000. This collection letter is sent out to those with accounts 60 days past due back approximately two years. Small payments were received. Concerning the report, Mr. Smith said they were not required to give a certified audit, but their books were open to the City at any time. Councilman Nichols asked the City Attorney about another ambulance company's operating in the County taking patients to Brackenridge Hospital. The City Attorney stated the County has no authority to pick up patients in the County. With respect to the franchise operation, it was his opinion the franchise ordinance covered intra city operation, but does not cover inter-city operation. He recalled they had discussed situations where ambulances from Bergstrom Field, Waco, San Antonio, brought patients into Austin. Councilman Nichols referred to their allegations that because the City would do nothing about the illegal company's operating in the County, that they were going to try to get the Department of Public Safety and Sheriff to get the City to enforce its law. The City Attorney explained if there were violations in the County or that could not be enforced by the Department of Public Safety, the Police Department and Law Department would be glad to assist in prosecution of any offenses that are called to their attention. In answer to Councilman Nichols' question about inter city pickups from the County and transferring patients to Brackenridge Hospital, being a violation of the Ordinance, the City Attorney said it was not a violation of the franchise ordinance provision which requires the operator of such service to have a franchise, but it may be a violation of the provision prescribing minimum safety standards, trained personnel, etc; or it could be a violation of the ordinance of 1960 where the Ambulance call would need to be cleared through the Police Department.

Councilman Janes discussed the finances of the Company. Mr. Smith said they could operate at a profit if people paid their bills. Personnel training was discussed. Mr. Smith said all of their drivers and attendants had advanced first aid training. Councilman LaRue noted a news item in the morning paper that Hayes County and another one south, were at the point of stopping their operations completely. Snyder had already gone through this and had solved it by asking the County to provide the equipment and then in turn the City would operate the equipment. Mr. Smith said this was a very real problem for the City of Austin, and it could be faced with such a problem.

The bus operations of the company were discussed. Mr. Smith stated there were separate employees all together. The headquarters are at the Ambulance Company and the telephone serves both operations. All cleaning and mechanical work is done off premises.

Councilman Long moved to accept the report. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen Long, Nichols, Mayor Akin, Councilmen Janes, LaRue  
Noes: None

## CITY AMBULANCE COMPANY

MR. MAURICE ANGLY stated there were a great deal of questions raised regarding collections, and the subsidy to the Austin Ambulance Company. He said the City Ambulance Company is providing service to a large segment of the population in the county, at a lower price per call at the present time and are receiving no subsidy. He wanted to inform the Council that at such time the Council saw fit to take bids after the expiration of the present contract, that City Ambulance wanted to submit a bid to serve the people of Austin at a rate substantially below the rate currently in effect in the City, and they did not intend to ask for the subsidy of \$3,400 per month, as they believed they could make a profit without a tax subside. He stated their equipment presently in use was in compliance with the Ordinance.

## VETERANS' DAY PARAGE AND BANNERS

Councilman Long moved to grant the request for the Veterans' Day Parage and for hanging of banners as outlined in the rules and regulations, subject to the approval of the appropriate departments. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilman Nichols, Mayor Akin, Councilmen Janes, LaRue, Long  
Noes: None

(Banners are the Red, White, and Blue banners used by the Aqua Festival)  
Councilman Long suggested that the banners be strung next week when the Sattillo visitors were here. It was also suggested they be in place during the Thanksgiving Parade.

## HEARING ON ZONING ORDINANCE TEXT

## "SR" Suburban, "AA" and "A" Residence Districts

Pursuant to published notice the Mayor opened the hearing on amendment to Zoning Ordinance Text. The Director of Planning, Mr. Osborne, stated the amendment under consideration has to do with Suburban Residence, "AA" Residence, and "A" Residence Districts, and any subsidiary amendments as would affect those particular districts. He discussed first the SUBURBAN RESIDENCE DISTRICT, as there are areas in which there will be scattered development of very low density nature, but not yet readily acceptable for sewer service because of topographic reasons or other reasons. These areas would have narrow streets without curb and gutter. Water systems are often designed to serve only the very low density development. There is a demand in certain areas of the community in and around Austin for large sites offering a rural setting for the home owner. The consideration is to take into account the various physical factors, as well as the desire of those in the community to have a suburban type of development. Permitted uses within the district include the one-family dwellings, churches, schools, parks and playgrounds, agricultural uses (prohibiting retail sales from the premises) private or parochial school subject to site conditions, with a minimum site size of one acre for the first 50 children, and 500 square feet for each additional child enrolled above the 50. A dwelling unit could be located on the site addition to school purposes. These types of schools would be located on streets of at least 60' in width. Public schools are a general permitted use. Greenhouses, truck gardening and agricultural uses are permitted in all residential zones. Councilman Nichols did not agree with the septic tank provision; and he stated it seemed the City would be losing control over water pollution and many things. The Planning Director stated the subdivision ordinance permits use of septic tanks if the lots are 9,000 square feet or more, and this may be something the Council might want to consider. Septic tanks are permitted in



those situations where there are large lots and also where in the judgment of the Health Inspectors, the condition of the soil would be satisfactory to handle the tank installation. The City Manager stated the purpose of providing flexibility in the type of residential areas would permit the City to have jurisdiction, inspections and standards, rather than have this development occur on a casual or unplanned basis outside the city limits. Should this ordinance be in effect, it would give the developers a guide and a criteria keeping in mind the possibility the particular area might be in the city limits. General discussion was held on those points, as well as annexation of "SR" suburban property, which would come in as Interim "A" as now provided. The Council would then initiate the establishment of a permanent zoning. The height and areas had not been rewritten and the "SR" Residence would carry only a 1st Height and Area.

Mayor Akin asked about annexing commercial areas. The Planning Director stated those areas came in as non-conforming uses, and the Council would rezone them from Interim "A" to the classification corresponding to the use.

Councilman LaRue asked Mr. Barr McClellan, Attorney, about the provision permitting greenhouses, nurseries, and truck gardens to cover the lot in question 75%. (Item 4, Part 3) Mr. McClellan stated they would object, as they had objected to any change in use in this area. Councilman LaRue had raised the question that perhaps Item 4 could be covered in Special Permits. Mr. McClellan agreed as under a special permit the neighborhood would have the benefit of notice, hearing and discussion of specific objections. He said it was made clear in the covering letter that the City should have a single family residential district. People that live in an area of single family dwellings prefer to keep it that way, and they are making every effort to do so. A greenhouse would not be as objectionable as a private club.

The Director of Planning stated he was calling attention to those uses that could exist in residential areas. They have to have an ordinance which covers an entire city wide situation. It was pointed out this amendment was in ordinance form and was ready for the Council to act upon. There will be more follow-up work to be done.

The City Attorney explained there was a provision against the circumstance that Councilman LaRue envisioned, that is already built into First Height and Area zoning that may prevent undesirable situations, as the set back lines are considered first, and the area of side yards and rear yards shall be not less than 45% of the total area of the property back from the setback line.

The City Manager stated the general purpose of this ordinance--(1) the approval of townhouses with high density; and (2) to provide flexibility and provide a different type of residential development to occur within the city as it grows. Councilman Long noted another correction should be not allowing the development of duplexes in prime "A" Residence. The City Attorney stated "SR" and "AA" would not include duplexes.

MR. DAVID BARROW spoke on the amendment as it pertained to "SR", pointing out if the "SR" zoning were fixed by the City Council, it should be done where the physical conditions require it--condition of the soil, etc., where there will be septic tanks; however, "SR" zoning should be left to the subdivider and the subdivision restrictions.

The City Manager stated there were townhouse developments, and this type of residential develop would be a balancing factor. Councilman Nichols asked if this "SR" and "AA" could not have been accomplished through restrictive

covenants by the developer. The Director of Planning explained the various aspects--later sales of the land; and subdividing land many years later. He did not see extensive use of the suburban residence zoning, but it is a special purpose type of situation.

Councilman LaRue in addressing Mr. McClellan and Mr. Fagan Dixon, stated this change of zoning would have no effect on changing the situation developing on Bowman Road (Club House).

MR. BARR McCLELLAN distributed a Memorandum dated October 22. He said there were 50 plaintiffs--almost as many plaintiffs in the law suit as there are members in the club, and the plaintiffs' number is growing. As to the Club House, they could visualize carnival grounds as an example. This then would come under a special permit whereby the neighborhood would be notified. Mr. McClellan listed five specific changes pertaining to private clubs in "A" Residence, for Council consideration:

- (1) Increase site requirement to 10 acres, making such apply also in "A" Residence;
- (2) Increase off-street parking requirements, to one space per actual member rather than one space per member (family group); or change the gross land area requirement to one space per 1000 square feet; and perhaps leave this to the permit procedure, relying upon the Zoning Ordinance requirement that off-street parking shall be adequate for all uses.
- (3) Sale or handling of food and liquor, so that the protections in other use districts for adjacent residences should be similarly accorded "A" Residence area.
- (4) Apply special permit procedure to all expansions and changes, so that any changes would be subject to notice to the neighborhood, and to special permit procedures.
- (5) Restrict definition to non-profit. A private club in "A" residence must be non profit. The proposed definition would allow "incidental" commercial or business activities. These are incompatible, and should be eliminated.

Mr. McClellan suggested omitting the phrase "No commercial or business activities shall take place on the premises other than those incidental to the functioning of said club." So many private clubs have large non-member parties. The Planning Director stated any type of club operation would have certain kinds of business--paying of bills, bringing in certain supplies, or food; billing of members, leasing or making other arrangements for other groups to utilize the club facilities. The City Attorney noted it must be kept in mind the club shall be operated on a non-profit basis.

Mr. McClellan suggested that the club site shall be designated in a subdivision for that site, and approved by the Planning Commission, and such site shall not constitute more than 25% of the area of such subdivision. He suggested that "The site may have one and not more than one dwelling unit which SHALL be detached and used solely for residential purposes. As to 4 (h), Mr. McClellan asked that this section have added " . . . that such sale, handling or consumption (of food and alcoholic beverage) be in compliance with Federal, State and Municipal Laws, "including all restrictions imposed on such uses by other sections of this ordinance." The Planning Director and City Manager did not believe this restriction to be feasible--too many complications--that perhaps the results could be derived by another fashion. Councilman Long interpreted Mr. McClellan's suggestion to mean there should be screening where there were out door patios where food was served--reducing noise and lighting.

Discussion was held on compactness of site. The Planning Director referred to Item 8, Page 11, USES by special permit only, to which could be added "for all the following uses, and for any and all changes or additions to such uses and facilities thereon". The City Manager suggested that all of these suggested changes be reviewed by Mr. McClellan and the Planning Director, and let all concerned have the opportunity of discussing the changes again.

Mayor Akin did not want to encourage development of a club in a residential area on a minimum sized lot. On a five acre tract, if a club is successful, it would crowd the neighborhood and turn into a nuisance. A larger area would allow room for growth, and would be the preferred emphasis rather than figuring out how to make it convenient and fit into a smaller area.

Further discussion of off street parking was conducted. The Planning Director explained if there were a club on a limited site, a large parking area would mean a lot of paved area. He reviewed various parking ratios studied by the Commission and cited a typical situation of a five acre site, a 12,000 square foot building, with requirements of about 100 parking spaces if the facility had a membership of 350. If more than this is required with paved parking areas, the residential character would be lost. MR. McCLELLAN said the three types of classification of clubs would take care of parking to a large measure. The big club operating at night with lots of large parties would not fit into a residential neighborhood. His request is that the area be at least 10 acres, as proposed for "SR" and "AA". The point noted by the Planning Engineer that a third of the area would be taken up in parking shows how a five acre tract is just not enough land. The Planning Director stated in proposing a club in an existing residential area, a special permit would be required, notification would be made, and a hearing held. There would be judgment elements that go into this; and in turn there is a right by either party to appeal to the City Council. A special permit would spell out in some detail elements as to the size of the club, and the parking related either to the number of membership or to the size of building and land area involved.

MR. FAGAN DICKSON brought up a technicality in the composition of the Ordinance as to the repealing clause. The City Attorney discussed this with Mr. Dickson and the Council. Councilman Janes noted with disappointment that there were no other people to express their view on this hearing, as this is a rather sweeping revision to the Zoning Code.

MR. McCLELLAN called attention to a petition that had been filed with the Council, and he did not know whether the Council had decided it was to be acted on in 90 days or not. The City Manager stated he agreed with the City Attorney that the 90 day provision does not apply.

~~Mayor Akin~~ introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 BY AMENDING SECTION 2, DEFINITIONS, BY ADDING CERTAIN DEFINITIONS; BY ADDING SECTION 3-A, "SR" SUBURBAN RESIDENCE DISTRICT; BY ADDING SECTION 3-B, "AA" RESIDENCE DISTRICT; BY AMENDING ALL OF SECTION 4, "A" RESIDENCE DISTRICT; BY AMENDING SECTION 10-C, OFF STREET PARKING; AND BY AMENDING SECTION 14, FIRST HEIGHT AND AREA DISTRICT; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Long moved that the ordinance be passed through its first reading, with the intent of amending it later. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Mayor Akin, Councilmen LaRue, Long, Nichols  
Noes: None  
Present but not voting: Councilman Janes

Councilman Long moved the Council continue the hearing on the Zoning Ordinance Text Amendment ("SR", "AA" and "A") until 10:30 A.M., October 31, 1968. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin  
Noes: None

#### BRACKENRIDGE URBAN RENEWAL PLAN SET FOR 12-5-68

Councilman Long moved the public hearing for the Brackenridge Urban Renewal Plan set at 10:30 A.M., December 5, 1968. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Mayor Akin, Councilmen Janes, Long, Nichols  
Noes: None  
Present but not voting: Councilman LaRue

#### ANNEXATION ORDINANCE INTRODUCED

Mayor Akin introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 52.15 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE WILLIAM CANNON LEAGUE AND THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

Councilman Janes inquired about the capability of the City to service this area. The City Manager stated water and sewer would be no problem. Mayor Akin said the sewer line is in, up to St. Elmo Road.

Councilman Long moved that the ordinance be published in accordance with Article 1, Section 6 of the Charter of the City of Austin and set for public hearing on November 7, 1968.

(Application withdrawn before publication)

#### HEARING SET ON AUSTIN TRANSIT CORPORATION ON RATES

Councilman Nichols moved the Council set a hearing on the Austin Transit Corporation request for rate adjustment for 10:30 A.M., November 26, 1968.

The Council recessed until 3:00 P.M.

RECESSED MEETING:

3:00 P.M.

At 3:00 P.M. the Council resumed its business.

## CAPITAL AREA COUNCIL OF GOVERNMENTS

The Council had before it a draft of Bylaws of the Capital Area Council of Governments. MR. DAVID BARROW told the Council as far as its commitment to join the C.O.G. was concerned, no commitment had been made. He reported a set of bylaws had been sent out to various County Judges, Commissioners, and Mayors of other counties and cities to review and indicate whether or not they would join the Council of Governments if it were formed. The bylaws were formed by the Planning Director and a committee out of the Planning Commission. He expressed his opinion on the reaction he was observing was of neutrality. Councilman LaRue noted the North Central Texas group was favorable, as it had pointed out no matter the size of the unit, each unit had one vote. He was interested in the one man-one vote type of arrangement which is included in the bylaws. Mr. Barrow said there was no opposition to this. The Committee outside Travis County restricted the number of representatives from Austin to five. The City Manager stated he supported the Council of Governments as it is a good communicative device aside from any aspect of Federal grants; and it was good to have units of local governments working together. He suggested that the Council express its reaction on specific provisions of these bylaws; and he recommended that the Council proceed with the consideration of forming a Council of Governments in the Austin Area.. He sensed that other jurisdictions, some of the smaller cities in Travis County and out of the County, are waiting for Austin to take the lead. In answer to Councilman LaRue's inquiry, the City Manager stated the funds were budgeted. Various council members commented on the bylaws, Councilman Janes noting the Executive Committee shall be the governing body, but there is no provision setting out whom the Executive Committee shall be and it will be appointed. Mayor Akin recalled that the Council went on record some time ago as approving the principle of the Council of Governments and lending its support in the area. Councilman Janes was in favor of this arrangement among the governments in the area, and his only concern was that Austin would get its money's worth out of it and that it was just not creating another bureau and spending a lot of money. Councilman Long moved to accept the report and defer action until next week, October 31, 1968. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Long, Nichols, Mayor Akin, Councilmen Janes, LaRue  
Noes: None

## PURCHASE OF PROPERTY AT 610 E. 8th ST.

The Council had under consideration the purchase of property at 610 East 8th Street to be used for the Police Department at the present time for impounding abandoned cars. The City Manager stated the long range expansion plans for the Police and Courts Building facilities called for this property. There are 17,664 square feet in the area. The City Manager proposed, with the Council's approval, to finance this purchase initially out of the contingency fund rather than taking it from the Public Works' budget for street right of way. Discussion was held on financing and refunding. Councilman Long moved to purchase the tract for \$37,500. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilman Nichols, Mayor Akin, Councilmen Janes, LaRue, Long  
Noes: None

## PARADE PERMIT - HUSTON TILLOTSON COLLEGE

Councilman Nichols moved to approve the parade permit for the Student Council of Huston Tillotson College as set out in their application. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen Long, Nichols, Mayor Akin, Councilmen Janes, LaRue  
Noes: None

## SEASONAL SCHEDULE OF COUNCIL MEETINGS

Councilman Long moved to set the following dates as the legal Council Meeting dates:

NOVEMBER 26, 1968 - Thanksgiving week  
DECEMBER 23, 1968 - Christmas week  
DECEMBER 30, 1968 - New Year's week

The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilman Nichols, Mayor Akin, Councilmen Janes, LaRue, Long  
Noes: None

## CONTRACTS

The City Manager offered the following:

"Date	"Requested by	"Department
October 18, 1968	Victor R. Schmidt, Jr.	Water and Sewer Dept.

"U.S. HIGHWAY 183 WATER MAINS. Sealed bids were received until 11:00 A.M, Wednesday, October 16, 1968, for the installation of 3,174 feet of 8-inch water main, 1,270 feet of 6-inch water main, 500 feet of 18-inch encasement pipe and 200 feet of 2 1/4-inch water main in U.S. Highway 183 and for the removal and delivery to City of Austin Service Yard of 1,560 feet of 6-inch water main from U.S. Highway 183. The purpose of this project is the relocation of water mains required by widening of U.S. Highway 183.

"The following is a tabulation of bids received:

<u>FIRM</u>	<u>AMOUNT</u>	<u>WORKING DAYS</u>
"Austin Engineering Company	\$41,491.60	90
Bill Tabor Construction Company	42,338.80	60
Bland Construction Company	52,571.80	75
J. C. Evans Construction Company	57,634.40	50
J. E. Skeen Construction Company	58,916.00	80
Ford-Wehmeyer, Incorporated	78,557.80	150
Walter Schmidt Construction Company	82,395.40	125
City of Austin (Estimate)	\$37,695.90	60

"It is recommended that the contract be awarded to Austin Engineering Company on their low bid of \$41,491.60 with 90 working days.

/S/ Victor R. Schmidt, Jr.  
Director  
Water and Sewer Department"

Councilman Janes offered the following Resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on October 16, 1968, for the installation of 3,174 feet of 8-inch water main, 1,270, feet of 6-inch water main, 500 feet of 18-inch encasement pipe and 200 feet of 2-1/4-inch water main in U. S. Highway 183 and for the removal and delivery to City of Austin Service Yard of 1,560 feet of 6-inch water main from U. S. Highway 183; and,

WHEREAS, the bid of Austin Engineering Company, in the sum of \$41,491.60, was the lowest and best bid therefor and the acceptance of such bid has been recommended by the Director of Water and Sewer Department of the City of Austin and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Austin Engineering Company, in the sum of \$41,491.60, be and the same is hereby accepted, and that R. M. Tinstman, City Manager of the City of Austin, be and he is hereby authorized to execute a contract on behalf of the City, with Austin Engineering Company.

The motion, seconded by Councilman Nichols, carried by the following vote:  
Ayes: Mayor Akin, Councilmen Janes, LaRue, Long, Nichols  
Noes: None

The City Manager offered the following:

"Date	Requested By	"Department
October 16, 1968	S. Reuben Rountree, Jr.	Public Works

"Awarding of the contract for the construction of miscellaneous storm sewers; lined channel in Richardine Avenue easement and Garland Avenue easement from Prock Avenue to Chico Street; and channel excavation in MK&T RR easement from Tannehill Branch to south end of Lott Avenue; Contract 68-D-18, as per tabulation of bids below. Bids were received on October 15, 1968.

"Ed. H. Page	\$44,972.00
Robert C. Gray Construction Co.	45,611.10
Jack A. Miller	49,516.25
City's estimate	46,305.50

"I recommend that Ed H. Page with his low bid of \$44,972.00 be awarded the contract for this project."

Councilman Long asked if this were part of the preliminary work of paving streets in the Govalle Area, that she would like for a statement to be made to the News Media. The City Manager said this is preliminary work for paving in the Ortega School area. Councilman Long stated there is another area from which the Council has received petitions for at least four years, from the school, the people, and the P.T.A. to get this paving done, and she would like to see the preliminary work started now toward getting the paving contract ready to go as soon as this work is under construction, and that this paving be started as quickly as possible.

Councilman Long offered the following Resolution and moved its adoption:

## (RESOLUTION)

WHEREAS, bids were received by the City of Austin on October 15, 1968, for the construction of miscellaneous storm sewers; lined channel in Richardine Avenue easement and Garland Avenue easement from Prock Avenue to Chico Street; and channel excavation in MK&T RR easement from Tannehill Branch to south end of Lott Avenue, Contract No. 68-D-18; and,

WHEREAS, the bid of Ed H. Page, in the sum of \$44,972.00, was the lowest and best bid therefor and the acceptance of such bid has been recommended by the Director of Public Works of the City of Austin and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Ed H. Page, in the sum of \$44,972.00 be and the same is hereby accepted, and that R. M. Tinstman, City Manager of the City of Austin, be and he is hereby authorized to execute a contract on behalf of the City with Ed H. Page.

The motion, seconded by Councilman Nichols, carried by the following vote:  
Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin  
Noes: None

The City Manager offered the following:

"Date	"Requested By	"Department
October 16, 1968	S. Reuben Rountree, Jr. Director of Public Works	Public Works

"Awarding of the contract for the construction of a proposed asphalt tennis court and resurfacing of existing tennis courts at Caswell Tennis Center, Contract 68-C-13, as per tabulation of bids below. Bids were received on October 8, 1968.

"W. D. Anderson Company	\$21,545.05
Casey and Glass, Inc.	24,986.90
S and G Construction Co.	25,186.19
City's estimate	25,258.35

"I recommend that W. D. Anderson Company with their low bid of \$21,545.05 be awarded the contract for this project."

Councilman Long brought up a discussion on asphalt resurfacing rather than using the clay. The City Manager said he would bring in a complete report.

Councilman LaRue offered the following resolution and moved its adoption:

## (RESOLUTION)

WHEREAS, bids were received by the City of Austin on October 8, 1968, for the construction of a proposed asphalt tennis court and resurfacing of existing tennis courts at Caswell Tennis Center, Contract 68-C-13; and,

WHEREAS, the bid of W. D. Anderson Company, in the sum of \$21,545.05, was the lowest and best bid therefor and the acceptance of such bid has been recommended by the Director of Public Works of the City of Austin and by the City Manager; Now, Therefore,



## BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of W. D. Anderson Company, in the sum of \$21,545.05, be and the same is hereby accepted, and that R. M. Tinstman, City Manager of the City of Austin, be and he is hereby authorized to execute a contract on behalf of the City, with W. D. Anderson.

The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Nichols, Mayor Akin, Councilman Janes  
Noes: None

The City Manager offered the following:

"Date	"Requested By	"Department
October 16, 1968	S. Reuben Rountree, Jr. Director of Public Works	Public Works

"Awarding of the contract for the construction of a reinforced concrete box culvert on St. Edwards Drive at Blunn Creek, Contract 68-D-5, as per tabulation of bids below. Bids were received on October 15, 1968.

Ed H. Page	\$8,221.38
Larson-Pugh, Inc.	9,681.04
Jack A. Miller	9,836.55
City's estimate	9,676.05

"I recommend that Ed H. Page with his low bid of \$8,221.38 be awarded the contract for this project."

Councilman Long offered the following Resolution and moved its adoption:

## (RESOLUTION)

WHEREAS, bids were received by the City of Austin on October 15, 1968, for the construction of a reinforced concrete box culvert on St. Edwards Drive at Blunn Creek, Contract 68-D-5; and,

WHEREAS, the bid of Ed H. Page, in the sum of \$8,221.38, was the lowest and best bid therefor and the acceptance of such bid has been recommended by the Director of Public Works of the City of Austin and by the City Manager; Now, Therefore,

## BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Ed H. Page, in the sum of \$8,221.38, be and the same is hereby accepted, and that R. M. Tinstman, City Manager of the City of Austin, be and he is hereby authorized to execute a contract on behalf of the City, with Ed H. Page.

The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Long, Nichols, Mayor Akin, Councilmen Janes, LaRue  
Noes: None

The City Manager offered the following:

"Date	"Requested By	"Department
October 22, 1968	Victor R. Schmidt, Jr.	Water and Sewer Department

"48-INCH WATER TRANSMISSION LINE: Sealed bids were received until 11:00 A.M., Tuesday, October 22, 1968, at the Office of the Director of Water and Sewer Department for the installation of 6,434 feet of 48-inch concrete steel cylinder transmission line from Water Treatment Plant No. 3 to Rollingwood Drive. The purpose of this project is to provide additional water service from Filter Plant No. 3 to the South Austin Area.

"The following is a tabulation of bids received:

"United Contracting Co. (Addison, Texas	\$358,267.85	120
Panhandle Construction Co. (Lubbock)	367,681.70	100
Austin Engineering Company	381,173.10	140
J. E. Skeen Construction Company	382,566.50	-
Bland Construction Company	401,556.40	220
J. C. Evans Construction Company	436,172.80	150
Payne and Keller, Inc. (Houston)	467,585.24	150
City of Austin (Estimate)	415,381.00	-

"It is recommended that the contract be awarded to the United Contracting Company of Addison, Texas on their low bid of \$358,267.85 with 120 working days.

/S/ Victor R. Schmidt, Jr.  
Director  
Water and Sewer Department"

The City Manager stated this is a major trunk line, a part of the system in South Austin. Councilman Long noted this would enhance the South Austin area, and this is the kind of improvement on which \$350,000 is paid for by the taxpayers. It is not a glamorous thing, and generally people do not know it is there, and projects like this are seldom realized. The City Manager stated there were tremendous investments on out-of-sight facilities. He commended the Director of Water Utilities on handling this improvement exceedingly well by phasing it on this staggered basis. Getting all of this connecting main under contract this year is a necessary prerequisite for receiving matching funds on Water Plant No. 3.

Councilman LaRue offered the following Resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on October 22, 1968, for the installation of 6,434 feet of 48-inch concrete steel cylinder transmission line from Water Treatment Plant No. 3 to Rollingwood Drive; and,

WHEREAS, the bid of United Contracting Company, in the sum of \$358,267.85, was the lowest and best bid therefor and the acceptance of such bid has been recommended by the Director of Water and Sewer Department of the City of Austin, and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of United Contracting Company, in the sum of \$358,267.85, be and the same is hereby accepted, and that R. M. Tinstman, City Manager of the City of Austin, be and he is hereby authorized to execute a contract on behalf of the City, with United Contracting Company.

The motion, seconded by Councilman Long, carried by the following vote:  
Ayes: Councilman Nichols, Mayor Akin, Councilmen Janes, LaRue, Long  
Noes: None

#### PROPOSED SALE OF REVENUE BONDS

Councilman Long, noting the scheduled date for selling the Utility Revenue Bonds was January 9th, and inquired if this were a desirable time. The City Manager reported the Finance Director, he, and the Southwest Company had discussed the timing, covenants, the early availability of the fiscal year records, preparing and getting the advertising under way, and avoiding the holiday season. Another bond issue is anticipated before the end of the fiscal year and one in the late fall of 1969 to meet scheduled payments. After discussion, Councilman Nichols moved to authorize the sale of \$9,000,000 Electric Light and Power, Water Works and Sewer System Revenue Bonds, at 10:30 A.M. January 9, 1969. The motion, seconded by Councilman Janes, carried by the following vote:

Ayes: Mayor Akin, Councilmen Janes, LaRue, Long, Nichols  
Noes: None

#### ZONING ORDINANCE

Mayor Akin introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS:  
LOT 22 AND THE WEST 13 FEET OF LOT 23 OF THE OAKWOOD ADDITION, LOCALLY KNOWN AS 910 WEST 30TH STREET AND 907 WEST 30-1/2 STREET, FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL DISTRICT AND FIFTH HEIGHT AND AREA DISTRICT;  
SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS;  
AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman LaRue moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Mayor Akin, Councilmen Janes, LaRue, Long, Nichols  
Noes: None

The ordinance was read the second time and Councilman LaRue moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Mayor Akin, Councilmen Janes, LaRue, Long, Nichols  
Noes: None

The ordinance was read the third time and Councilman LaRue moved that the ordinance be finally passed. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Mayor Akin, Councilmen Janes, LaRue, Long, Nichols  
Noes: None

The Mayor announced that the ordinance had been finally passed.

## RELEASE OF EASEMENTS

Councilman Long offered the following Resolution and moved its adoption:

## (RESOLUTION)

WHEREAS, a certain easement was granted to the City of Austin for public utility and drainage purposes in, upon and across a portion of Lot 3, Treadwell Addition, Section Three, a subdivision of a portion of the George W. Spear League in the City of Austin, Travis County, Texas, according to a map or plat of said Treadwell Addition, Section Three, of record in Book 28 at Page 28 of the Plat Records of Travis County, Texas; and,

WHEREAS, the owner of the above described property has requested the City Council of the City of Austin to release the hereinafter described portion of said easement; and,

WHEREAS, the City Council has determined that the hereinafter described portion of said easement is not now needed and will not be required in the future; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the Assistant to the City Manager of the City of Austin be, and he is hereby authorized to execute a release of the following described portion of said public utility and drainage easement, to-wit:

A strip of land fifteen (15.00) feet in width, same being out of and a part of Lot 3, Treadwell Addition, Section Three, a subdivision of a portion of the George W. Spear League in the City of Austin, Travis County, Texas, according to a map or plat of said Treadwell Addition, Section Three, of record in Book 28, at Page 28 of the Plat Records of Travis County, Texas; which strip of land fifteen (15.00) feet in width is more particularly described by metes and bounds as follows:

BEGINNING at the intersection of the west line of Burnet Road and a line twenty-five (25.00) feet south of and parallel to the north line of said Lot 3, Treadwell Addition, Section Three, which point of beginning is the southeast corner of the herein described tract of land;

THENCE, with the said line twenty-five (25.00) feet south of and parallel to the north line of Lot 3, N 60° 11' W to a point in a line five (5.00) feet east of and parallel to the west line of said Lot 3, which point is the southwest corner of the herein described tract of land;

THENCE, with the said line five (5.00) feet east of and parallel to the west line of Lot 3, N 29° 55' E 15.00 feet to a point in a line ten (10.00) feet south of and parallel to the said north line of Lot 3, which point is the northwest corner of the herein described tract of land;

THENCE, with the said line ten (10.00) feet south of and parallel to the north line of Lot 3, S 60° 11' E to a point in the aforesaid west line of Burnet Road, which point is the northeast corner of the herein described tract of land;

THENCE, with the said west line of Burnet Road, S 08° 57' W to the point of beginning.

The motion, seconded by Councilman LaRue, carried by the following vote:  
Ayes: Councilmen LaRue, Long, Nichols, Mayor Akin, Councilman Janes  
Noes: None

Councilman Long offered the following Resolution and moved its adoption:

(RESOLUTION)

WHEREAS, a certain easement was granted to the City of Austin for public utility and drainage purposes in, upon and across a portion of Lot 6, Block A, Northwest Hills, Mesa Oaks, Phase Four, a subdivision of a portion of the George W. Davis Survey in the City of Austin, Travis County, Texas, according to a map or plat of said Northwest Hills, Mesa Oaks, Phase Four, of record in Book 34 at Page 17 of the Plat Records of Travis County, Texas; and,

WHEREAS, the owner of the above described property has requested the City Council of the City of Austin to release the hereinafter described portion of said easement; and,

WHEREAS, the City Council has determined that the hereinafter described portion of said easement is not now needed and will not be required in the future; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the Assistant to the City Manager of the City of Austin be, and he is hereby authorized to execute a release of the following described portion of said public utility and drainage easement, to-wit:

A strip of land ten (10.00) feet in width, same being out of and a part of Lot 6, Block A, Northwest Hills, Mesa Oaks, Phase Four, a subdivision of a portion of the George W. Davis Survey in the City of Austin, Travis County, Texas, according to a map or plat of said Northwest Hills, Mesa Oaks, Phase Four, of record in Book 34 at Page 17 of the Plat Records of Travis County, Texas; which strip of land ten (10.00) feet in width is more particularly described by metes and bounds as follows:

BEGINNING at the intersection of the north line of said Lot 6, Block A, same being the south line of Lot 5, and the building line, same being a line twenty-five (25.00) feet west of and parallel to the curving west line of Grey-stone Drive, which point of beginning is the northeast corner of the herein described tract of land;

THENCE, with the said building line in a southerly direction to a point in the south line of an existing drainage and public utilities easement, same being a line ten (10.00) feet south of and parallel to the said north line of Lot 6, and which point is the southeast corner of the herein described tract of land;

THENCE, with the said south line of an existing drainage and public utilities easement, in a westerly and northerly direction to a point in the said north line of Lot 6 and which point is the northwest corner of the herein described tract of land;

THENCE, with the said north line of Lot 6, in an easterly direction to the point of beginning.

The motion, seconded by Councilman LaRue, carried by the following vote:  
Ayes: Councilmen LaRue, Long, Nichols, Mayor Akin, Councilman Janes  
Noes: None

Councilman Long offered the following Resolution and moved its adoption:

(RESOLUTION)

WHEREAS, a certain easement was granted to the City of Austin for electric and telephone purposes in, upon and across that certain alley twenty-five (25.00) feet in width which lies between and is adjacent to Lot 4, Block 2 and Lot 1, Block 3, Hermann W. Steinle Addition, a subdivision of a portion of Outlot 77, Division D. of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to a map or plat of said Government Outlots on file in the General Land Office of the State of Texas; a map or plat of said Hermann W. Steinle Addition being of record in Book 1 at Page 116 of the Plat Records of Travis County, Texas; and,

WHEREAS, the owner of the above described property has requested the City Council of the City of Austin to release the hereinafter described portion of said easement; and,

WHEREAS, the City Council has determined that the hereinafter described portion of said easement is not now needed and will not be required in the future; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the Assistant to the City Manager of the City of Austin be, and he is hereby authorized to execute a release of the following described portion of said electric and telephone easement, to-wit:

A strip of land ten (10.00) feet in width, same being the west ten (10.00) feet of that certain alley twenty-five (25.00) feet in width which lies between and is adjacent to Lot 4, Block 2 and Lot 1, Block 3, Herman W. Steinle Addition, a subdivision of a portion of Outlot 77, Division D, of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to a map or plat of said Government Outlots on file in the General Land Office of the State of Texas; a map or plat of said Hermann W. Steinle Addition being of record in Book 1 at Page 116 of the Plat Records of Travis County, Texas; which strip of land ten (10.00) feet in width is to be released from the electric and telephone easement which was retained when said alley twenty-five (25.00) feet in width was vacated by the City Council of the City of Austin by Ordinance No. 680926-D.

The motion, seconded by Councilman LaRue, carried by the following vote:  
Ayes: Councilmen LaRue, Long, Nichols, Mayor Akin, Councilman Janes  
Noes: None

## REFUND CONTRACT

Mayor Akin introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE ASSISTANT TO THE CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH W. H. LEMORE AND GLENN NEANS, FOR THE APPROPRIATION OF MONEY PAID TO THE CITY OF AUSTIN UNDER SUCH CONTRACT; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Janes moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin  
Noes: None

The ordinance was read the second time and Councilman Janes moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin  
Noes: None

The ordinance was read the third time and Councilman Janes moved that the ordinance be finally passed. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin  
Noes: None

The Mayor announced that the ordinance had been finally passed.

## PROPERTY FOR MISSOURI PACIFIC BOULEVARD

The City Attorney explained the Council had granted the Highway Department the authority to use the property under the 35th Street Bridge and just south of the Bridge. The Highway Department is planning some preliminary work when the original work takes place in order to realize a savings in both state funds as well as City funds. In answer to Councilman Long's question, he stated this property would be needed in the first phase.

Councilman LaRue moved to authorize the City Manager to purchase the property at 3400 Funston, under prescribed conditions, at \$16,920. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Long, Nichols, Mayor Akin, Councilmen Janes, LaRue  
Noes: None

Councilman Janes stated Councilman Long had a good point when she suggested leasing the owners this property for 15 months, 90 days rent free, and \$80.00 a month, on a month to month basis.

## LEASE OF CITY PROPERTY FOR CHRISTMAS TREE SALES

MAYOR AKIN noted a letter to the City Council from the South Austin Optimist Club to use the property south of the Lamar Bridge, facing on Lamar Boulevard, to sell Christmas Trees. This is the same property that they were permitted to use last year. Councilman Nichols moved to grant permission as

requested. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilman Nichols, Mayor Akin, Councilmen Janes, LaRue, Long  
Noes: None

The Council went into Executive Session.

The Council returned to its open Session. Councilman Nichols offered the following Resolution and moved its adoption:

(RESOLUTION)

WHEREAS, in 1950 the State Highway Department of Texas laid out and caused to be constructed U. S. Highway 290, a part of which traversed the eastern sector of the City of Austin, Texas, and a Construction and Maintenance Agreement covering the responsibilities of each of the parties was entered into by and between the State and the City of Austin; and,

WHEREAS, in 1958 further improvements were made to that section of U. S. Highway 290 located within the corporate limits of the City of Austin; and,

WHEREAS, in 1963 it was determined that certain additional improvements to U. S. Highway 290 including that section of said U. S. Highway 290 from I. H. 35 to the east city limits of the City of Austin was necessary and desirable for the safety and convenience of the traveling public, both local and transient, and the State and City entered into a contract whereby the City acquired on behalf of the State the necessary right of way for construction of a four-land divided highway; and,

WHEREAS, the State prepared construction plans in cooperation with the City showing in detail the proposed improvements to said section of U. S. Highway 290; and,

WHEREAS, the State has let a contract for the construction of the improvements to U. S. Highway 290 in accordance with said plans, and the City desires to confirm and/or grant authority to the State for the construction of such improvements, if such authorization on the part of the City in fact be necessary; and,

WHEREAS, in December, 1967, the State and the City entered into a comprehensive Municipal Maintenance Agreement covering all areas of joint roadway responsibilities between the parties and specifically covering that section of U. S. Highway 290 between I. H. 35 and the east city limits of the City of Austin; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

(1) That the State, through its construction contractor, having undertaken the construction of the improvements shown on the aforementioned plans all with the full authority, knowledge, consent and cooperation of the City, and the City does hereby grant, ratify, and confirm unto the State the authority, if such grant of authority be necessary, to construct such improvements; and,

(2) That the City Manager be, and he is hereby authorized to execute and deliver to the Texas Highway Department any and all instruments and to take any further action necessary to evidence the full and complete authority of the



State of Texas to complete such construction of such improvements and to maintain the same following completion of the aforementioned construction in accordance with the provisions of the agreement heretofore entered into between the State and the City.

The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen Janes, LaRue, Long, Nichols

Noes: None

Present but not voting: Mayor Akin

SALE OF HOUSES TURNED OVER TO THE  
CITY BY URBAN RENEWAL FOR DISPOSAL  
(Glen Oaks)

The City Manager submitted the following:

"BID OPENING, MONDAY, OCTOBER 21, 1968

	<u>1191</u> <u>Graham</u>	<u>2906(F)</u> <u>Hargrave</u>	<u>902</u> <u>Wayne</u>	<u>904</u> <u>Wayne</u>	<u>1189(C)</u> <u>Chestnut</u>	<u>2905</u> <u>Conway</u>	<u>907</u> <u>Midway</u>
C. O. BARKER	-0-	-0-	375.00	425.00	-0-	-0-	-0-
W. JOHNSTON	25.00	25.00	100.00	100.00	5.50	7.50	-0-
S. W. WRICKING CO.	1038.00	<u>110.00</u>	723.00	723.00	-0-	-0-	-0-
A. HEYER	-0-	-0-	-0-	-0-	5.00	4.85	16.85
W. H. COLE	-0-	-0-	211.00	226.00	-0-	-0-	-0-
E. CARO	-0-	-0-	-0-	300.00	-0-	-0-	-0-
WM. LAW	1.00	5.00	5.00	476.59	1.00	1.00	1.00
S. E. WILLIAM	-0-	-0-	456.78	345.67	-0-	-0-	<u>45.67</u>
A. M. DEBERRY	-0-	-0-	863.27	-0-	-0-	-0-	-0-
J. A. MILLER	<u>1198.00</u>	25.00	235.00	235.00	-0-	-0-	-0-
C. R. GEORGE	-0-	-0-	<u>1309.25</u>	<u>1459.25</u>	-0-	-0-	-0-
R. H. GLISMAN	-0-	-0-	-0-	1050.00	-0-	-0-	-0-
T. WILEY	-0-	-0-	925.00	1110.00	-0-	-0-	-0-
L. WILLIAMS	-0-	-0-	205.00	-0-	-0-	-0-	-0-
A. J. KING	605.00	-0-	-0-	-0-	-0-	-0-	-0-
L. C. MILLER	-0-	76.00	101.00	101.00	<u>13.00</u>	<u>13.00</u>	11.00
L. WILLIAMS	-0-	-0-	-0-	158.00	-0-	-0-	-0-
M. J. KOURI	701.57	-0-	657.57	407.57	-0-	-0-	-0-
C. B. FREEMAN	-0-	-0-	-0-	-0-	-0-	-0-	-0-

	<u>1005</u> <u>Nile</u>	<u>1127</u> <u>Nile</u>	<u>1146</u> <u>Nile</u>	<u>2359</u> <u>Washington</u>	<u>2734(C)</u> <u>Web'ville</u>	<u>2734(E)</u> <u>Web'ville</u>
C. O. BARKER	-0-	-0-	-0-	-0-	-0-	-0-
W. JOHNSTON	-0-	-0-	-0-	<u>28.00</u>	-0-	-0-
S. W. WRICKING CO.	-0-	-0-	-0-	-0-	-0-	-0-
A. HEYER	<u>11.25</u>	33.65	12.65	25.10	<u>2.50</u>	<u>2.50</u>
W. H. COLE	-0-	-0-	-0-	-0-	-0-	-0-
E. CARO	-0-	25.00	-0-	-0-	-0-	-0-
WM. LAW	1.00	1.00	1.00	1.00	1.00	1.00
S. E. WILLIAM	-0-	<u>87.90</u>	<u>357.90</u>	-0-	-0-	-0-
A. M. DEBERRY	-0-	-0-	-0-	-0-	-0-	-0-
J. A. MILLER	-0-	-0-	-0-	-0-	-0-	-0-
C. R. GEORGE	-0-	-0-	-0-	-0-	-0-	-0-
R. H. GLISMAN	-0-	-0-	-0-	-0-	-0-	-0-
T. WILEY	-0-	-0-	-0-	-0-	-0-	-0-
L. WILLIAMS	-0-	-0-	-0-	-0-	-0-	-0-
A. J. KING	-0-	-0-	-0-	-0-	-0-	-0-
L. C. MILLER	10.00	69.00	25.00	9.00	-0-	-0-
L. WILLIAMS	-0-	-0-	-0-	-0-	-0-	-0-
M. J. KOURI	-0-	-0-	-0-	-0-	-0-	-0-
C. B. FREEMAN	-0-	33.75	28.75	13.75	-0-	-0-"

Councilman Long offered the following Resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on October 21, 1968 for the sale of thirteen (13) houses that Urban Renewal had turned over to the City for disposal; and,

WHEREAS, the bid of W. Johnson in the sum of \$28.00 for the house located at 2359 Washington; the bid of S. W. Wrecking Co. in the sum of \$110.00 for the house located at 2906(F) Hargrave; the bids of A. Heyer in the sum of \$11.25 for the house located at 1005 Nile, in the sum of \$2.50 for the house located at 2734(C) Webberville, and in the sum of \$2.50 for the house located at 2734(E) Webberville; the bids of S. E. William in the sum of \$45.67 for the house located at 907 Midway, in the sum of \$87.90 for the house located at 1127 Nile, and in the sum of \$357.90 for the house located at 1146 Nile; the bid of J. A. Miller in the sum of \$1,198.00 for the house located at 1191 Graham; the bids of C. R.

George in the sum of \$1,309.25 for the house located at 902 Wayne, and in the sum of \$1,459.25 for the house located at 904 Wayne; and the bids of L. C. Miller in the sum of \$13.00 for the house located at 1189(C) Chestnut and in the sum of \$13.00 for the house located at 2905 Conway, were the highest and best bids therefor, and the acceptance of such bids has been recommended by the Building Official of the City of Austin, and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the above enumerated bids of W. Johnston, S. W. Wrecking Co., A. Heyer, S. E. William, J. A. Miller, C. R. George and L. C. Miller, be and the same are hereby accepted, and that R. M. Tinstman, City Manager of the City of Austin, be and he is hereby authorized to execute contracts on behalf of the City with said named parties.

The motion, seconded by Councilman LaRue, carried by the following vote:

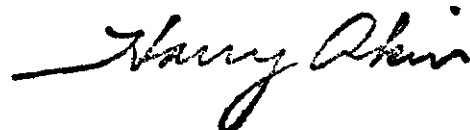
Ayes: Councilmen LaRue, Long, Nichols, Mayor Akin, Councilman Janes  
Noes: None

There being no further business, Councilman Long moved the Council adjourn. The motion, seconded by Councilman Janes, carried by the following vote:

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin  
Noes: None


The Council adjourned at 4:10 P.M.

APPROVED



Mayor

ATTEST:

  
\_\_\_\_\_  
Asst. City Clerk